Supreme Court, U.S.
FILED

No. _____

04-716 JUN 17 2005

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In The
# Supreme Court of the United States

JOSELITO MADRIAGA LIM, on behalf of himself and all other current and former employees of Offshore Specialty Fabricators, Inc. similarly situated; ADELITO M. AGANON; RICHARD AGCAOILI; LUIS ABNABO; ANTONIO P. ALCANTARA, ET AL.,

*Petitioners,*

vs.

OFFSHORE SPECIALTY FABRICATORS, INC.,

*Respondent.*

**On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Fifth Circuit**

## PETITION FOR WRIT OF CERTIORARI

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## QUESTION PRESENTED

I. Whether the United States Court of Appeals for the Fifth Circuit erred by forcing seamen to arbitrate valid claims for U.S. minimum wage in direct contravention of this Court's longstanding opposing policy of providing seamen a federal judicial forum for wage disputes as set forth in both *U.S. Bulk Carriers v. Arguelles,* 400 U.S. 351, 91 S.Ct. 409, 27 L.Ed.2d 456 (1971) and in violation of the public policy exception found in *M/S Bremen v. Zapata Off-shore, Co.*, 407 U.S. 1, 92 S.Ct. 1907, 32 L.Ed.2d 513 (1972)?

## LIST OF PARTIES

The parties to the action are:

A. Plaintiffs-Appellees (including all named Plaintiffs, Intervenors, and putative collective action members who have filed opt-in forms in the District Court to date):

1. Diomenes P. Abalo
2. Adelito M. Aganon
3. Richard Aqcaoili
4. Luis Agnabo
5. Samuel G. Alacio
6. Anthony B. Alcantara
7. Antonio P. Alcantara
8. Jaime D. Alcantara
9. Alexander R. Alvarez
10. Ricardo A. Antigo
11. Armando B. Antipino
12. Felipe L. Arela
13. Jaime D. Arevalo
14. Rodrigo M. Arias
15. Eugenio P. Auergonzado
16. Artuto A. Bacalso
17. Alex R. Balansag
18. Pepito Baisa
19. Manuel C. Balitbit
20. Rolando M. Barana
21. Noel E. Barner
22. Carlo B. Bisnar
23. Joselito A. Bitos
24. Maximo V. Borbor, Jr.
25. Joel Burdeos
26. Mario M. Cabanlit
27. Pancho F. Cabantug
28. Guilleromo S. Caberio
29. Juancho P. Calida
30. Bartolome A. Camilo

**LIST OF PARTIES** – Continued

31. Samuel Y. Capul
32. Ernesto Abala Cardoza
33. Wilmor H. Casero
34. Edwin Cuizon
35. Victorino R. Celestino
36. Domingo B. Caralde
37. Jose P. Dato-On
38. Alberto G. Dela Cruz
39. Juan D. Dela Cruz
40. Sererino N. Cuevas
41. Edwin R. Destor
42. Victorino C. Diaz, Jr.
43. Alejandro R. Distor, Jr.
44. Aurelio B. Ebal
45. Victor L. Escolar, Jr.
46. Feliciano G. Evangelista, Jr.
47. Roy Edward O. Eugenio
48. Sergio J. Fernando
49. Bonifacio M. Garcia
50. Avelino M. Bayeta
51. Felimon T. General
52. Serafin D. Genobaga, Jr.
53. Bernado G. Givero
54. Mamerto Givero
55. Rufino Givero
56. Petronilo Gumeba
57. Panilo C. Huyera
58. Cesar Isleta
59. Juanito N. Jervosa
60. Alejandro L. Jugo
61. Beverly Ladores
62. Danilo R. Laguinday
63. Ernesto G. Lainez, Jr.
64. Marciso Lapidez
65. Ediw Laurel
66. Jimmy G. Lim

**LIST OF PARTIES** – Continued

67. Joselito Madriaga Lim
68. John A. Macomb
69. Crisente F. Mariano
70. Cesar M. Martinez
71. Ricardo Mendez
72. Pedrito F. Mendoza
73. Pedrito M. Matining
74. Regino S. Mendigo
75. Elmer B. Mendoza
76. Ernesto S. Mercado
77. Rogeli N. Mercene
78. Rolando A. Meregildo
79. Teddy L. Motea
80. Melchor G. Munar
81. Rodito G. Nacional
82. Monroe L. Masayao
83. Teodorico B. Nasayao
84. Pio P. Orillana
85. Generoso G. Quizon
86. Paul M. Pantoes
87. Benito J. Perez
88. Cristito S. Pilapil
89. Pelagio G. Portex
90. Vanentin A. Ramos
91. Teodoro G. Reyes
92. Nicanor Rile
93. Manuel R. Del Rosario, Jr.
94. Gilbert Y. Sato
95. Raymundo D. Dawali
96. Eduardo S. Scapinio
97. Henry Simpson
98. Eduardo L. Sotto
99. Dennis Diez Sumabong
100. Teofilo T. Tamayo
101. Alain G. Tanjuan
102. Wenifredo F. Tarrojo

**LIST OF PARTIES** – Continued

103. Antonio B. Tobasco
104. Rufino G. Tormon
105. Roberto M. Tungol, Jr.
106. Jonathon H. Uberas
107. Nilo G. Velenciano
108. Reynaldo L. Villabito
109. Anselmo P. Villegas
110. Norlito Ybanez

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F. Offshore Domestic Group, Inc. (non-public corporation), parent of Offshore Specialty Fabricators, Inc.
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H. Jennifer L. Anderson, Counsel for Defendant-Appellant
I. Jones, Walker, Waechter, Poitevent, Carrére & Denégre, L.L.P., Counsel for Defendant-Appellant
J. Richard J. Dodson, Counsel for Plaintiffs-Appellees
K. Kenneth H. Hooks, III, Counsel for Plaintiffs-Appellees
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## PETITION FOR WRIT OF CERTIORARI

Petitioners, Joselito Madriaga Lim, et al., respectfully pray that a Writ of Certiorari issue to review the Judgment and Opinion of the United States Court of Appeals for the Fifth Circuit entered on March 24, 2005.

## OPINIONS BELOW

All opinions below are contained in the appendices to this Petition. The Judgment and Opinion of January 28, 2003 of the United States District Court, Eastern District of Louisiana is reproduced in the Appendix, App. 21 to App. 27 and is also reported at 2003 WL 193518 (E.D. La. January 28, 2003) (No. Civ.A.02-2126). The Opinion of the United States Court of Appeals for the Fifth Circuit vacating and remanding the case to the district court is contained in the Appendix, App. 1 to App. 20, and is also reported at 404 F.3d 898 (La. App. 5th Cir. March 24, 2005) (No.03-30380).

## JURISDICTIONAL STATEMENT

The jurisdiction of the Court is invoked under 28 U.S.C. § 1254.

## STATEMENT OF THE CASE

Petitioners are citizens of the Republic of the Philippines. Petitioners' employer, Offshore Specialty Fabricators, Inc. (Offshore Specialty Fabricators), is a Louisiana corporation in the business of manufacturing parts and equipment. Offshore Specialty Fabricators installs its